

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

WILEY EDU, LLC,

Plaintiff,

v.

Civil Action No.: 2:23-cv-00550 (Berger)

WEST VIRGINIA STATE UNIVERSITY,

Defendant.

MOTION TO DISMISS

Defendant, West Virginia State University, hereby moves to dismiss the complaint filed September 15, 2023, by Wiley edu, LLC. The complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(1) for failure to state a claim upon which relief can be granted, because of sovereign immunity, and under Rule 12(b)(5) for insufficient service of process. The reasons supporting this motion are outlined in the accompanying memorandum of law.

WHEREFORE, West Virginia State University respectfully requests that the court grant their motion and dismiss the complaint.

Respectfully submitted,

WEST VIRGINIA STATE UNIVERSITY

By counsel,

**PATRICK MORRISEY
ATTORNEY GENERAL**

s/ Gretchen A. Murphy

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